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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

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Application Number: 10/522,320  
372(c) Date: October 17, 2005  
Applicants: John L. Schenk and Allison C. Lindsey  
Title: Sperm Cell Process System  
Assignee: XY, Inc.  
Attorney Docket: XY-Optimum-USNP  
Customer No. 33549

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**LETTER OF TRANSMITTAL**

Filed via EFS this same date for filing are the following documents:

1. A Third Preliminary Amendment;
2. this Letter of Transmittal;
3. an Electronic Patent Application Fee Transmittal showing a payment of \$1,700.00 – this fee is being paid at the time of application filing via Credit Card.

Assignee has added new claims 122-147. Claims 122-147 have been copied and are substantially similar to claims from U.S. Patent Application Publication No. US 2005/0282245 to Ludwig et al., published on December 22, 2005, Application No. 11/092,509 and from the Response to Restriction Requirement filed on June 12, 2006 in U.S. Application No. 11/092,509, in order to begin the examination analysis. The Assignee may submit details relative to suggesting an interference at a later date if or when deemed appropriate. Assignee respectfully requests that the Examiner of U.S. Application No. 11/092,509 be notified of such copying of claims. Similar copying of claims are also made in Assignee's application numbers: 11/608,079, and 11/508,133 and in new continuation application entitled "Use of a Composition which Regulates Oxidation/Reduction Reactions Intracellularly and/or Extracellularly in a Staining or Sorting Process" based from Application No. 11/536,492.

**Please address all future correspondence to the address associated with Customer Number 33549 (Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, CO 80521.)**

Dated this 19<sup>th</sup> day of December, 2006.

Respectfully Submitted,  
SANTANGELO LAW OFFICES, P.C.

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